

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

C.R., by and through her Guardian ad Litem
Tiffany Roe,

Plaintiff,

v.

Elk Grove Unified School District, et al.,

Defendants.

No. 2:20-cv-02296-KJM-AC

ORDER

On October 18, 2021, defendants Elk Grove Unified School District and Marilyn Delgado (District Defendants) moved this court for leave to file an amended answer and crossclaim against Capitol Elementary School, Inc. (Capitol). *See* Mot. Amend at 1, ECF No. 25-1. District Defendants assert that plaintiff’s complaint is “embraced” by a written defense and indemnity provision between themselves and Capitol, *see id.* at 1–2, and that they are now “compelled” to seek defense and indemnity in this action via crossclaim after their meet-and-confer efforts to have Capitol “live up to its contractual obligations were ignored,” *id.* at 1. Neither plaintiff nor the co-defendants against whom the crossclaim will be asserted oppose the motion. *See* Thompson Email, Linkert Decl. Ex. 10, ECF No. 25-2; Statement of Non-Opp’n, ECF No. 26. The motion is **granted**. Capitol must serve an answer to District Defendants’ crossclaim within

1 21 days after being served with the pleading that states the crossclaim. *See* Fed. R. Civ. P.
2 12(a)(1)(B).

3 This order resolves ECF No. 25.

4 IT IS SO ORDERED.

5 DATED: April 5, 2022.

6 

CHIEF UNITED STATES DISTRICT JUDGE